

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



October 16, 1998

ALL COUNTY INFORMATION NOTICE NO. I-59-98

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: CHILD ABUSE CENTRAL INDEX

**REASON FOR THIS
TRANSMITTAL**

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

REFERENCE: ALL COUNTY INFORMATION NOTICE NO. I-26-98
CHAPTER 842, STATUTES OF 1997 (SENATE BILL 644)
WELFARE AND INSTITUTIONS CODE SECTION 11169 (b)

Effective January 1, 1998 when a child protective agency forwards a Child Abuse Investigative Report Form (SS-8583) to the Department of Justice (DOJ) after the completion of an investigation, which was not determined to be unfounded, the child protective agency must also provide the suspect with written notification that s/he has been reported to the Child Abuse Central Index. There is no right to a fair hearing as a result of this action, therefore suspects should not be referred for a state hearing and counties should not provide any legal advice.

This notice transmits two sample letters counties may use. The first is an amended version of the letter developed and transmitted by DOJ and ACIN I-26-98. The second letter may be used to respond to inquiries that may occur following receipt of the initial notification.

If you have any questions, require further clarification or technical assistance, please contact your county consultant in the Children's Services Operations Bureau at (916) 445-2832.

Sincerely,

***Original Document Signed By
Marjorie Kelly On 10/16/98***

MARJORIE KELLY
Deputy Director
Children and Family Services Division

Enclosures

c: CWDA

**Suggested Notification Letter
Report to Child Abuse Central Index**

The _____ (County Agency) _____ has completed an investigation of suspected child abuse that the agency determined to be either substantiated or inconclusive. Pursuant to Penal Code Section 11169(b), this is notification that you are named in a child abuse report that was sent to the Department of Justice (DOJ), Child Abuse Central Index (Index). This index contains information from investigation reports of suspected child abuse submitted by child protective agencies to the DOJ on form SS-8583 [see Penal Code Section 11170(a)(1)].

The Index is accessed by law enforcement agencies, probation departments, county welfare agencies and district attorneys when conducting investigations of child abuse. It is also accessed by court investigators and licensing agency personnel to screen individuals for child placement and licensure or employment in positions having custody of children. If any of these entities receive a child abuse report from the DOJ Index they are required to draw an independent conclusion after a review of the child abuse allegations as part of their screening process. Reports of suspected child abuse maintained by DOJ are confidential and may only be disclosed to statutorily authorized parties (Penal Code Section 11167.5).

Report No. _____ Date of Report _____

The _____ (County Agency) _____ is responsible for the accuracy, completeness and retention of its report. If you believe the report is unfounded¹ or you have been incorrectly listed, do not contact DOJ. Any request for review should be directed in writing to:

Agency Contact Person

Agency Address

¹ Penal Code Section 11165.12(a) defines an “unfounded report” as one which is determined by a child protective agency investigator to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse, as defined in Section 11165.6.

**Suggested County Response Letter
Child Abuse Central Index Inquiries**

In response to your request, the _____ (County Agency) _____ has completed an investigation to determine whether the report made to the Department of Justice (DOJ) was made in accordance with statutory requirements.

Section 11169 of the California Penal Code requires child protective agencies to forward to DOJ a written report on each case of known or suspected child abuse that the agency investigated and determined to be either substantiated or inconclusive, and not unfounded.¹ The one exception is for cases of neglect coming within subdivision (b) of Section 11165.2.

Based on our review, we have determined the following:

_____ Your name was incorrectly submitted to DOJ. We have notified DOJ and requested that your name be removed from the Child Abuse Central Index.

_____ Your name was submitted to DOJ pursuant to Penal Code Section 11169. This action was required because an investigation of suspected child abuse determined the report to be substantiated or inconclusive.

If you disagree with this determination, you may want to contact an attorney regarding legal recourse available to you.

¹ Penal Code Section 11165.12(a) defines an “unfounded report” as one which is determined by a child protective agency investigator to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse, as defined in Section 11165.6.